United Nations CRC/C/PLW/CO/2

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the second periodic report of Palau*

I. Introduction

1. The Committee considered the second periodic report of Palau (CRC/C/PLW/2) at its 2269th meeting (see CRC/C/SR.2269), held on 25 January 2018, and adopted the present concluding observations at its 2282nd meeting, held on 2 February 2018.

2. The Committee welcomes the submission of the second periodic report of the State party and the written replies to the list of issues (CRC/C/PLW/Q/2/Add.1). However, the Committee regrets that the report was submitted with considerable delay, which prevented the Committee from reviewing the implementation of the Convention by Palau for 16 years. The Committee welcomes the constructive dialogue with the high-level delegation of the State party, successfully held through videoconferencing.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, in particular the ratification of the Convention on the Rights of Persons with Disabilities. The Committee also notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention on the Rights of the Child, such as the Palau Family Protection Act of 2012.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

Committee's previous recommendations

4. **The Committee recommends that the State party take all measures necessary to address its previous recommendations of 2001 (CRC/C/15/Add.149) that have not been implemented or have been insufficiently implemented, in particular, those related to data collection (para. 21) and non-discrimination (para. 33).**

* Adopted by the Committee at its seventy-seventh session (15 January–2 February 2018).

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Legislation

5. The Committee notes the Palau child protection baseline research project of 2011, which provides a framework for the comprehensive review of child-related legislation and ongoing legislative reform, including the Family Protection Act of 2012. However, the Committee is concerned that some domestic laws, such as the Juveniles Act, are not in conformity with the Convention.

6. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to implement the recommendations of the Palau child protection baseline research project and allocate adequate resources to ensure the full and effective implementation of the Family Protection Act;**

(b) **Expeditiously bring existing legislation, such as the Juveniles Act, into conformity with the Convention.**

Comprehensive policy and strategy

7. The Committee welcomes the creation of a national human rights task force and the adoption of the Palau Climate Change Policy for Climate and Disaster Resilient Low Emissions Development, the national gender mainstreaming policy, the National Youth Policy and the National Framework on Early Childhood of 2009. However, it remains concerned that there is no comprehensive national strategy or plan of action for children.

8. **The Committee recommends that the State party:**

(a) **Adopt and implement a comprehensive national strategy for children to cover all areas of the Convention and allocate appropriate human, technical and financial resources for its implementation;**

(b) **Ensure the inclusion of priorities for children in national development and strategic plans and budgeting processes.**

Coordination

9. The Committee notes the establishment of the National Reporting Committee on United Nations Conventions on Human Rights to coordinate treaty reporting. However, it is concerned at the lack of coordination between the various agencies responsible for implementing the Convention.

10. **The Committee recommends that the State party create a national coordinating body for the implementation of the Convention and strengthen inter-agency collaboration and cooperation through the development of memorandums of understanding, protocols and standard operating procedures.**

Allocation of resources

11. The Committee notes with appreciation that the State party's budget allocations for the social, health and education sectors increased from 2013 to 2015. However, the Committee is concerned that budget allocations do not adequately target children in vulnerable situations, in particular children with disabilities.

12. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party, when planning future budgets, continue to increase allocated budgetary resources for children to the maximum extent possible in accordance with article 4 of the Convention. In particular, the budget and expenditure for children in vulnerable situations, especially those with disabilities, should be increased, to ensure that they receive additional and adequate specialized services and support. The Committee also recommends that the State party seek international cooperation in implementing this recommendation.**

Data collection

13. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:**

(a) **Develop a comprehensive system of disaggregated data collection incorporating all aspects covered by the Convention, with a specific focus on children who are particularly vulnerable, including children of non-Palauan parents, children living in rural areas and on the outer islands and children with disabilities;**

(b) **Ensure linkages between sector-specific data-collection systems and the Office of Planning and Statistics and encourage more data-sharing between the various actors working on children's rights.**

Independent monitoring

14. The Committee notes the establishment of the national human rights committee, a related working group covering human rights issues, including children's rights, and the Office of the Ombudsman. However, the Committee is concerned at the lack of information on the mandate and investigative powers of the national human rights committee and the Office of the Ombudsman in relation to children's rights.

15. **With reference to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:**

(a) **Ensure that either the national human rights committee or the Office of the Ombudsman has a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints concerning and made by children in a child-sensitive manner;**

(b) **Ensure the independence of those institutions, including with regard to funding, mandate and immunities, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

Dissemination, awareness-raising and training

16. The Committee notes the awareness-raising campaigns and workshops on family issues organized by the State party. However, the Committee is concerned that there is a lack of awareness concerning the child protection issues covered by the Convention.

17. **The Committee recommends that the State party:**

(a) **Consider expanding the mandate of the National Reporting Committee on United Nations Conventions on Human Rights to enable it to take a leading role in raising awareness about all areas covered by the Convention;**

(b) **Strengthen community-awareness programmes, campaigns and efforts to ensure that the provisions and principles contained in the Convention are widely recognized and understood and ensure that children, parents, communities and church leaders play a key role in such initiatives.**

B. Definition of the child (art. 1)

18. The Committee is seriously concerned that the minimum age for marriage is still set at 16 years for girls under the National Code (title 21 — Domestic Relations).

19. **The Committee urges the State party to revise the National Code to ensure that the minimum age for marriage is set at 18 years for both girls and boys.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

20. The Committee is concerned that the Constitution does not explicitly prohibit discrimination based on sexual orientation and gender identity and that girls, children with disabilities and children of non-Palauan descent are subject to discrimination and are more exposed to exclusion.

21. **The Committee recalls its previous concluding observations (see CRC/C/15/Add.149, para. 33) and recommends that the State party:**

(a) **Ensure that children with disabilities and girls have equal access to education, health care, employment and a decent standard of living;**

(b) **Revise the Constitution to explicitly prohibit discrimination on the basis of sexual orientation and gender identity and align other laws in that regard to ensure that discrimination on those grounds is prohibited;**

(c) **Take legislative measures to ensure that children of non-Palauan parentage, including children of immigrant families and children adopted through intercountry adoptions, are afforded the same rights and access to health, education and social services as Palauan children.**

Respect for the views of the child

22. The Committee welcomes the reactivation of the Palau National Youth Congress and the increasing participation of children, in particular concerning conservation and environmental issues. However, the Committee is concerned that the nature of the traditional society of Palau makes it difficult for children to participate and to be heard on matters affecting them.

23. **With reference to general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Continue supporting the Palau National Youth Congress by increasing its legitimacy and effectiveness and providing it with the necessary resources;**

(b) **Give due consideration to the views of children and strengthen structures for their participation, especially at the community level, within the family, in schools and relating to judicial and administrative procedures in their regard;**

(c) **Develop mechanisms for the systematic participation of children in the development and implementation of laws, policies and programmes.**

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration and nationality

24. The Committee remains seriously concerned at:

(a) Ineffective birth registration procedures, especially on the outer islands, as highlighted in the 2014 Ministry of Health report; and

(b) The requirement that, in order to obtain citizenship, children born in Palau must have at least one parent of recognized Palauan ancestry, may lead to some children born to non-Palauan parents becoming stateless.

25. **Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee strongly urges the State party to:**

(a) **Strengthen its efforts to implement early birth registration procedures and the issuance of birth certificates, with a special focus on birth registration at the community level;**

(b) Consider reviewing the Constitutional provision relating to citizenship to ensure that all children born in Palau are granted access to citizenship if they would otherwise be stateless;

(c) Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

(d) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund, among others, concerning the implementation of these recommendations.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

26. The Committee notes that schools have policies banning corporal punishment. However, the Committee is seriously concerned that the law does not explicitly prohibit the use of corporal punishment and that the National Code and the Penal Code allow for the use of force when disciplining children.

27. **Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other degrading forms of punishment, the Committee urges the State party to:**

(a) Amend existing legislation, in particular the National Code and the Penal Code, to explicitly prohibit corporal punishment in all settings;

(b) Strengthen teacher training on alternative non-violent forms of discipline and ensure it is part of pre- and in-service teacher training programmes;

(c) Provide programmes for parents and all professionals who work with and for children to encourage the use of alternative non-violent forms of discipline;

(d) Effectively enforce the prohibition of corporal punishment and provide children, especially in schools, with a complaints mechanism, so that they can safely and confidentially report cases of corporal punishment;

(e) Strengthen awareness-raising programmes, training and other activities to promote a change of mind set with regard to corporal punishment, particularly in schools, within families and at the community level.

Abuse and neglect

28. The Committee notes with appreciation the amendments to the Penal Code increasing penalties for offences against children and the ongoing review of the Family Protection Act. The Committee however remains seriously concerned that:

(a) There is no dedicated leading body responsible for policy development and the monitoring of child protection services, leaving child protection intervention measures weak in law and in practice;

(b) There are no systems, shelters or foster homes in place to accommodate children, especially child victims of violence;

(c) The training on laws, protocols and guidelines for personnel working with child victims of violence is inadequate.

29. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goal on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee urges the State party to:**

(a) Expedite the revision of the Family Protection Act and its plan of action and allocate sufficient resources for their implementation;

(b) Establish a dedicated body that takes the lead role in policy development and the monitoring of child protection services and provide it with adequate resources;

(c) Strengthen, through legislation and improved inter-agency cooperation, the child protection system, to ensure that it addresses child abuse and violence against and exploitation of children and provides for assessment, identification, referral, counselling and rehabilitation services;

(d) Provide sufficient resources for the setting up of shelters, safe homes and foster care for children subjected to violence, where possible, seeking assistance from and collaboration with development partners and non-governmental organizations (NGOs);

(e) Scale up training on laws, protocols and guidelines for the Bureau of Public Safety, health-care providers and others who work with and for children;

(f) Take all necessary measures to ensure that the Bureau of Public Safety has adequate human, technical and financial resources, in particular, staff specializing in cases of violence against and abuse and exploitation of children.

Sexual exploitation and abuse

30. The Committee is concerned that:

(a) There is no legislation specifically addressing the exploitation of children via sexually explicit videos, photographs and electronic images;

(b) Domestic legislation on sexual abuse does not differentiate between sexual assault against an adult and sexual assault against a child;

(c) Boys do not enjoy a level of protection from sexual abuse equal to that granted to girls;

(d) There are insufficient prevention and mitigation activities and psychosocial services for child victims of sexual exploitation and abuse.

31. **The Committee recommends that the State party:**

(a) Adopt legislation to specifically criminalize the sexual exploitation of children through sexually explicit videos, photographs and electronic images;

(b) Criminalize sexual offences against children as a specific and separate category and provide for sentences that are commensurate with the gravity of such offences;

(c) Amend the law to give boys a level of protection from sexual abuse equal to that granted to girls;

(d) Ensure effective prevention and mitigation mechanisms, procedures and guidelines for cases of sexual abuse and exploitation and ensure accessible, child-friendly and effective channels for the reporting of such violations;

(e) Ensure that all child victims of sexual exploitation and abuse receive psychosocial support to aid recovery and social reintegration.

Helplines

32. The Committee notes that there is a helpline directly connected to the courts and run by staff who can assist women and children. However, the Committee is concerned that the helpline services for children are not adequate and that children are not sufficiently aware of their existence.

33. **The Committee recommends that the State party strengthen and expand the helpline services available to all children at the national level, promote awareness of how children can access the helpline services, including by collaborating with relevant NGOs, and provide the necessary human, financial and technical resources for their effective functioning.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

34. The Committee is concerned that there are no alternative care options, such as foster care, available in cases where the extended family does not take care of the children and that there is no legal framework, policy or set of minimum standards in place regulating alternative care for children. The Committee is also concerned that there is no monitoring of children placed with the extended family.

35. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) **Develop an alternative care policy and minimum standards for regulating alternative care for children;**

(b) **Provide all necessary resources, social welfare services and support for children in kinship/extended family care;**

(c) **Establish a legal framework, a policy and a set of minimum standards for monitoring family based care for children;**

(d) **Establish an alternative care system for children who cannot stay with their families;**

(e) **Establish quality standards for all available forms of alternative care and take children's views into consideration when making any decisions about alternative care;**

(f) **Ensure the periodic review of the placement of children in out-of-home care and monitor the quality of care therein, including by providing for the reporting and remedying of ill-treatment of children.**

Adoption

36. The Committee is seriously concerned that:

(a) There is no specific law on adoption and no body formally responsible for overseeing the adoption process;

(b) Formal registration through a court procedure is not enforced in cases where children are adopted through traditional/customary adoption by their extended family or members of the same community.

37. **The Committee urges the State party to:**

(a) **Enact a law on adoption and establish an adequately resourced unit to oversee the formal adoption process, including liaising with child adoption agencies in other countries in cases of intercountry adoption;**

(b) **Ensure that legal safeguards and formal registration through a court procedure are in place where children are adopted by their extended family or members of the same community;**

(c) **Increase awareness at the community level of formal adoption as an alternative to traditional/customary adoption;**

(d) **Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

Children with disabilities

38. The Committee notes with appreciation the draft disability policy and the fact that the Palau severely disabled funds programme increased the size of monthly assistance payments to beneficiaries, including children. However, the Committee is seriously concerned at:

(a) The fact that the disability policy has not been finalized or implemented;

(b) The limited access of children with disabilities to inclusive education, health care, transportation and all buildings and spaces and at the situation regarding service delivery in all areas, especially in rural schools and communities;

(c) The limited access to rehabilitation, early identification and referral programmes and at the limited nature of funding and technical support for service providers.

39. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities and taking note of Sustainable Development Goals 3, 4, 10 and 11, the Committee urges the State party to:**

(a) **Strengthen the legislative framework to ensure that children with disabilities have effective access to public services and spaces and improve physical access to all public and private buildings, spaces, service delivery and transportation in all areas, especially in rural communities and on the outer islands;**

(b) **Ensure that teaching staff are adequately trained, so that children with all types of disabilities can effectively enjoy their right to quality inclusive education, including through international cooperation;**

(c) **Strengthen health-care services for children with disabilities, including case referral, early detection and early intervention;**

(d) **Provide technical support to service providers and to families of children with disabilities and increased financial support to families of children with disabilities.**

Health and health services

40. The Committee welcomes the improvement in maternal and child-health indicators and the high vaccination coverage achieved. However, the Committee is concerned at:

(a) The prevalence of bronchiolitis and other respiratory diseases, urinary tract infection and acute gastroenteritis among children;

(b) Child mortality related to the high prevalence of non-communicable diseases, such as obesity and diabetes;

(c) The lack of dentists and well-trained health workers for children.

41. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.4 of the Sustainable Development Goals on reducing by one third premature mortality from non-communicable diseases through prevention and treatment and promoting mental health and well-being, the Committee recommends that the State party:**

(a) **Continue to widen childhood vaccination coverage;**

(b) **Take measures to reduce bronchiolitis and other respiratory diseases, urinary tract infection and acute gastroenteritis;**

(c) **Take measures to reduce child mortality due to non-communicable diseases by focusing on both prevention and management;**

(d) **Reduce the risk of non-communicable diseases later in life by increasing early childhood obesity prevention interventions informed by reliable disaggregated data on children;**

(e) **Further develop school-based policies for healthy eating and physical education, promote the inclusion of larger amounts of fruits and vegetables in school meals programmes and discourage school canteens from serving fizzy drinks, junk food and food high in sugar;**

(f) **Ensure that there are sufficient dentists and well-trained health workers for children, particularly in the rural areas and on the outer islands.**

Mental health

42. The Committee is concerned at the lack of information on mental health policy, related action plans and the number of staff specializing in child mental health issues. It is also concerned at the high rate of suicide among adolescents, especially girls, and the correlation between adolescent sexual behaviour, depression and suicide as reported in a Ministry of Health survey.

43. **The Committee recommends that the State party:**

(a) **If it has not already done so, adopt a policy and plan of action on child mental health;**

(b) **Take all necessary measures, including regional cooperation, to provide sufficient capacity to deal with child mental health issues and to increase the number of staff specializing in that field;**

(c) **Strengthen psychological and psychiatric services for children, guarantee access to any necessary examinations and treatment and intensify suicide-prevention measures.**

Adolescent health

44. The Committee is concerned at the fact that:

(a) Sexual and reproductive health education programmes do not focus sufficiently on all aspects of prevention;

(b) Abortion is a criminal offence without exception and that this prohibition leads teenage girls to undergo unsafe abortions, with consequent risk to their life and health;

(c) Adolescent girls only have limited access to safe reproductive and sexual health services and birth control methods and related information;

(d) There has been an increased emphasis on abstinence as opposed to an earlier focus on safe sex and condom use.

45. **With reference to its general comments No. 3 (2003) on HIV/AIDS and the rights of the child, No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:**

(a) **Reinforce the importance of sexual and reproductive health education in the mandatory school curriculum, targeting adolescent girls and boys, with particular focus on preventing early pregnancy, HIV/AIDS and sexually transmitted infections by different methods, including condoms;**

(b) **If it has not already done so, decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;**

(c) **Improve adolescents' access to information on all birth control methods and reproductive health-care and related services and increase support for**

reproductive health and family planning services, especially in rural areas and on the outer islands;

(d) **Scale up access to affordable methods of contraception.**

Drug and substance abuse

46. The Committee notes the efforts by the State party to address alcohol, tobacco and substance abuse and is concerned that the Substance Abuse Prevention Strategic Plan expired in 2011 and that no information has been provided about its renewal. It is also concerned at the high rate of alcohol consumption, smoking and substance abuse, including the chewing of betel nut, among adolescents and the limited programmes and services available to those affected.

47. **Taking note of target 3.5 of the Sustainable Development Goals on strengthening the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol, the Committee recommends that the State party:**

(a) **If it has not already done so, promptly renew the Substance Abuse Prevention Strategic Plan on the basis of the lessons learned from the previous Plan, including on addressing the issue of chewing betel nut; and**

(b) **Provide adolescents with accurate and objective information and life skills education on substance abuse prevention, covering tobacco and alcohol, as well as develop accessible and youth-friendly drug-dependence treatment and harm-reduction services, including by considering establishing a court specializing in drug- and alcohol-related cases to address substance abuse and treatment issues.**

Impact of climate change on the rights of the child

48. The Committee is concerned that there is no information on whether climate change adaptation and disaster-risk reduction are part of the school curriculum, on whether there is a comprehensive disaster-sensitive social protection system in place and on the measures in place addressing the special needs of children in vulnerable situations, including children with disabilities, when planning disaster-risk reduction preparedness, response and recovery.

49. **The Committee draws attention to target 13.b of the Sustainable Development Goals on promoting mechanisms for raising capacity for effective climate change-related planning and management, and recommends that the State party:**

(a) **Include climate change adaptation and disaster-risk reduction in the school curriculum and establish school-based programmes, such as early warning systems and training on what to do in the event of a natural disaster;**

(b) **Develop a comprehensive disaster-sensitive social protection system, ensuring that the special vulnerabilities and needs of children, as well as their views, are taken into account;**

(c) **Review emergency protocols to include assistance and other support for children with disabilities during emergencies and natural disasters;**

(d) **Increase children's awareness of and preparedness for climate change and natural disasters and increase the physical safety and resilience of school buildings and infrastructure;**

(e) **Improve data and assessments in order to have an evidence base for risk reduction and preparedness, taking into account in particular the distinct needs and priorities of preschool children and children with disabilities;**

(f) **Seek regional and international cooperation in implementing these recommendations.**

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

50. The Committee notes with appreciation the implementation of the student tracking system to address school dropout, the funding provided for teacher education, the promotion of physical health through healthy food and sports activities and the draft Education Master Plan 2017–2026. However, the Committee is concerned at:

(a) Gender gaps at the primary school level, with unequal opportunities for girls with regard to enrolment in private schools;

(b) The absence of information on the rate of inclusion of children with disabilities in mainstream schools;

(c) The lack of qualified teachers in primary schools;

(d) The lack of specific provision for programmes on the right to play and to leisure and at the lack of sports activities and safe playgrounds for children.

51. **With reference to its general comment No. 1 (2001) on the aims of education and taking note of target 4.5 of the Sustainable Development Goals on eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations, the Committee recommends that the State party:**

(a) **Analyse the root causes of the unequal opportunities for girls with regard to enrolment in private primary schools and take appropriate action to remedy the situation;**

(b) **Collect data on the rate of enrolment of children with disabilities in mainstream schools and strengthen the promotion of inclusive education through the provision of appropriate assistive devices in schools and specialized training for teachers, including through international cooperation;**

(c) **Strengthen pre-service and in-service training for primary school teachers and consider creative incentives concerning the recruitment of more local teachers;**

(d) **Strengthen the promotion of the right to play and to leisure, including through the provision of safe playgrounds and physical education and sports programmes in schools.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Economic exploitation, including child labour

52. The Committee is concerned that:

(a) There is no specific law or policy addressing child labour and there are no social programmes aimed at preventing child labour and supporting children affected by the issue;

(b) There is no hazardous child labour list;

(c) There is exploitation of children, particularly in the tobacco industry.

53. **The Committee urges the State party to:**

(a) **Develop a law and a policy on child labour and a hazardous child labour list;**

(b) **Take the necessary measures to ensure that no child aged under 18 years engages in hazardous work and put in place social programmes for the elimination and prevention of child labour, especially its worst forms;**

(c) **Adopt the draft framework legislation on tobacco and take the necessary measures to ensure that no children aged under 18 years are exploited in the tobacco industry;**

(d) **Consider ratifying the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization.**

Sale, trafficking and abduction

54. The Committee notes with appreciation the establishment of a subcommittee of the national human rights task force focusing on human trafficking cases and addressing child protection issues. It also notes with appreciation the revision of the Penal Code, which covers labour trafficking, smuggling of and trafficking in persons and child exploitation. However, the Committee is concerned that there is no specific reference to trafficking in children as an aggravating factor and no supporting legislation or guidelines dealing with the prevention and prosecution of trafficking in children and the repatriation and rehabilitation of child victims/survivors.

55. **The Committee recommends that the State party adopt legislative and administrative measures specifically addressing trafficking in children, establish adequate and coordinated mechanisms for its prevention and for the identification, protection and rehabilitation of child victims of trafficking and expeditiously and effectively prosecute the perpetrators.**

Administration of juvenile justice

56. The Committee welcomes the implementation of the alternative sentencing programme for children charged with non-violent offences. The Committee is, however, seriously concerned at the:

(a) Limited legislative provisions for child-friendly investigation and court procedures;

(b) Pending revision of the Juveniles Act, pending adoption of a juvenile diversion and expungement act and the pending creation of a juvenile conference committee;

(c) Minimum age of criminal responsibility of 10 years;

(d) Absence of written procedures/guidelines for the prosecution of children in conflict with the law and of guidelines for dealing with child victims and child witnesses;

(e) Absence of recovery programmes for child victims and child offenders;

(f) Absence of legal assistance during the interview stage and other stages of the judicial process.

57. **With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:**

(a) **Adopt legislation for the administration of juvenile justice in accordance with the Convention and strengthen legislative provisions for child-friendly investigation and court procedures for child victims and child offenders;**

(b) **Promptly review the Juveniles Act, adopt a juvenile diversion and expungement act and create a juvenile conference committee;**

(c) **Raise the minimum age of criminal responsibility to acceptable international standards for all cases;**

(d) **Adopt standard operating procedures for the prosecution of children in conflict with the law and guidelines for dealing with child victims and child witnesses;**

(e) **Ensure the provision of psychosocial support, counselling, recovery and reintegration services for child victims and offenders;**

(f) **Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage during and throughout the judicial process.**

J. Ratification of the Optional Protocols to the Convention

58. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocols to the Convention on the involvement of children in armed conflict, on the sale of children, child prostitution and child pornography and on a communications procedure.**

K. Ratification of international human rights instruments

59. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the core human rights instruments to which it is not yet a party.**

L. Cooperation with regional bodies

60. **The Committee recommends that the State party cooperate, among others, with regional organizations such as the Pacific Community and the Pacific Islands Forum.**

IV. Implementation and reporting

A. Follow-up and dissemination

61. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the second periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.**

B. Next report

62. **The Committee invites the State party to submit its third to seventh combined periodic reports by 3 September 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

63. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**